

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:	)	
	)	
DARCY JO OLIVER,	)	
	)	CASE NO. BK08-40270-TLS
Debtor(s).	)	
JACK HARRIS,	)	A08-4011-TLS
	)	
Plaintiff,	)	4:06CV3017
	)	
vs.	)	CH. 7
	)	
DARCY JO OLIVER in her individual and	)	
official capacities, and DOUG DILTZ, in his	)	
individual and official capacities,	)	
	)	
Defendants.	)	

REPORT & RECOMMENDATION

This case was transferred from the district court because a party is in a bankruptcy case. This lawsuit was filed in federal district court alleging a violation of the plaintiff's civil rights by the defendants acting under color of state law. The case was set for a three-day trial beginning March 17, 2008, with a pretrial conference scheduled for February 15, 2008. The defendant Darcy Jo Oliver filed a Chapter 7 bankruptcy petition on February 8, 2008, and the district court referred the case to this court.

Having reviewed the complaint, I find that the action should proceed in the district court as against the non-debtor defendant, but it should be stayed as against the party in bankruptcy until the automatic stay is no longer in effect or until relief from the automatic stay is requested and obtained from the bankruptcy court.

I therefore respectfully recommend to the United States District Court for the District of Nebraska that it withdraw the reference of this adversary proceeding to proceed with the litigation as against Mr. Diltz, while staying the litigation as to Ms. Oliver.

The Clerk of the Bankruptcy Court shall process this recommendation pursuant to the local court rules.

DATED: February 14, 2008

RESPECTFULLY SUBMITTED,

/s/ Thomas L. Saladino  
United States Bankruptcy Judge

Notice given by the Court to:

Jessica Milburn  
Stephanie Caldwell  
Rick Lange

Douglas DeLair  
Vince Powers  
U.S. Trustee